

CITY COUNCIL AGENDA

AUGUST 20, 2013

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/cityclerk. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

- * 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 7)**

Pastor Danny Sanchez, Calvary Chapel San José

- **Pledge of Allegiance**

- **Orders of the Day**

- * Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Orders of the Day (Cont'd.)

- * **SEE NEW ITEM 2.12, “Approval of a Subordination Agreement for the Boys and Girls Club of Silicon Valley,” TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct Resolution, Rule 3(d).**

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1** Presentation of certification from The Greenroads Foundation to the City of San José, for the Monterey Road pavement rehabilitation and LED streetlighting project in south San José, the first Greenroads certified project in California. (Mayor)
- 1.2** Presentation of a commendation recognizing Dean Sala and his small business Suntactics for perfecting solar charging technology for cellular devices and contributing to the advancement of green business practices. (Constant)
- 1.3** Presentation of a commendation recognizing the Local Agency Formation Commission of Santa Clara County for its outstanding work managing growth and encouraging the orderly formation of local agencies for 50 years. (Constant)
 - * (Rules Committee referral 8/14/13)
- 1.4** Presentation of commendations to the 2013 Synopsys Championship participants in recognition of their achievement and innovation in the fields of science and engineering. (Kalra)
 - * (Rules Committee referral 8/14/13)**TO BE HEARD IN THE EVENING**

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

[Memo from the City Attorney](#)

Recommendation: Final adoption of ordinances.

- * (a) [ORD. NO. 29281](#) - Amending Section 20.85.020 of Chapter 20.85 of Title 20 of the San José Municipal Code to clarify the maximum allowable building height within geographical employment centers including the Norman Y. Mineta San José International Airport.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of June 12, 2013](#). (Mayor)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Agreement with Zero Waste Energy Development Company, LLC for the Zero Waste Project Ground Lease.](#) [Supplemental Memo](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute the [first amendment to the Zero Waste Project Ground Lease](#) by and between the City of San José and Zero Waste Energy Development Company, LLC, permitting the tenant to sublease certain portions of the ground lease area for parking at the discretion of the City Manager. CEQA: Mitigated Negative Declaration, File No. SP09-057. Council District 4. (Environmental Services/Economic Development)
(Deferred from 6/18/13 – Item 2.12)

2.8 [Agreement with Habitat for Humanity Silicon Valley for the Environmental Innovation Center.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the [First Amendment to the Lease by and between the City of San José and Habitat for Humanity Silicon Valley](#) to extend the date for delivery of the premises to no later than March 1, 2014, and to provide the tenant a right to terminate for convenience with 180 days notice; and
- (b) Negotiate and execute future amendments to the Lease to modify the dates for delivery and payment of rent in the event there are additional delays to the construction of the Environmental Innovation Center.

CEQA: Mitigated Negative Declaration, File No. PP09-138. Council District 3.
(Economic Development)

2. CONSENT CALENDAR

2.9 [Agreement with ERM-West Inc. for Consulting Services. Supplemental Memo](#)

Recommendation: Approve the [First Amendment to the Master Agreement with ERM-West Inc.](#) for environmental health and safety consulting services to increase the total compensation by \$300,000 for a maximum not to exceed amount of \$550,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 4. (Environmental Services)

2.10 [Agreements with Wells Fargo Bank for WellsOne Commercial Card and Wells Fargo Supplier Analysis and Onboarding Commercial Card Conversion Service.](#)

Recommendation: Adopt a resolution authorizing the Director of Finance to negotiate and execute agreements with Wells Fargo Bank for The WellsOne Commercial Card Service and Wells Fargo Supplier Analysis and Onboarding Commercial Card Conversion Service, and related documents, which enhance the vendor payment options to allow vendors to receive electronic payments in lieu of checks in a substantially shortened timeframe. CEQA: Not a Project, File No. PP10-066(a), Purchase Order/Cooperative Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

2.11 [Colombian Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 14, 2013:

- (a) Approve the Colombian Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Khamis)

* [Rules Committee referral 8/14/13 – Item G(2)]

2.12 [Approval of a Subordination Agreement for the Boys and Girls Club of Silicon Valley.](#)

Recommendation:

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Approve a [Subordination Agreement](#) to subordinate the City's existing Deed of Trust, as amended by a First Amendment to the Deed of Trust, on real property located at 2195 Cunningham Avenue, to a \$500,000 loan from Focus Bank.

CEQA: Not a Project, File No. PP10-066, Agreements for activities involving no physical changes to the environment. Council District 8. (Housing)

** **REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct Resolution, Rule 3(d).**

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3.2 Labor Negotiations Update

- * **Recommendation:** Accept Labor Negotiations Update.
TO BE HEARD AT 9:00 A.M.

3.3 [Rules and Open Government Referrals to the Elections Commission Regarding Campaign Contribution Limits and Voluntary Expenditure Limits, Electioneering Communication Disclosures, and Elections and Recounts.](#)

[Memo from Councilmember Kalra](#)

- * **Recommendation:** As recommended by the Rules and Open Government Committee on August 7, 2013, discuss the Elections Commission response to the referrals from Rules and Open Government regarding the following: (1) campaign contribution limits; (2) electioneering communications disclosures; and (3) elections and recounts. CEQA: Not a project, File No. PP10-068(c), Code or Policy change that involves no physical changes to the environment. (City Clerk)
[Rules Committee referral 8/7/13 – Item G(9)]

3.4 [Ethics Commission Title 12 Revisions and Revisions to Administrative Procedures.](#) [Supplemental Memo](#)

- * **Recommendation:** As recommended by the Rules and Open Government Committee on August 7, 2013:
 - (a) Discussion and direction relating to Title 12, Disclosure of Electioneering Communications;
 - (b) Approve an [ordinance](#) amending Chapters 12.05 and 12.06 of Title 12 of the San José Municipal Code to amend Sections 12.05.040, 12.06.295, 12.06.510, 12.06.910, 12.06.915, and 12.06.1010, and adding a new section 12.06.215 relating to Elections; and
Please note: Approval of this item requires 8 or more affirmative votes (2/3).
 - (c) Direct staff relating to amendments to Chapter 12.08, the Gift Ordinance.CEQA: Not a project, File No. PP10-068(c), Code or Policy change that involves no physical changes to the environment. (City Clerk)
[Rules Committee referral 8/7/13 – Item G(10)]

3.5 [Mayor's 2013 Biennial Ethics Review and Recommendations.](#)

[Supplemental Memo from the Mayor](#)

[2nd Supplemental Memo from the Mayor](#)

- * **Recommendation:** As recommended by the Rules and Open Government Committee on August 7, 2013:
 - (a) Direct the City Attorney to work with the City Clerk and City Manager to draft an ordinance that codifies Open Government policies and practices previously adopted in pilot form to ensure ethical and open government. These policies include the Reed Reforms, Sunshine Reforms, and Procurement Reform;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.5 Mayor's 2013 Biennial Ethics Review and Recommendations. (Cont'd.)

Recommendation:

- (b) Direct staff to draft a single procedural document (Council Resolution or Council Policy) incorporating process and procedures to provide practical guidance and ensure compliance with the purpose and goals of the Open Government Ordinance;
- (c) Direct staff to include any recommendation for modification to current policies that may be desirable to make the ordinance clear or easier to administer; and
- (d) Direct staff to work with the Rules and Open Government Committee on development of the ordinance and procedural document.

CEQA: Not a project, File No. PP10-068(c), Code or Policy change that involves no physical changes to the environment. (Mayor)
[Rules Committee referral 8/7/13 – Item G(14)]

3.6 [Ordinance Implementing Changes to Federated Tier 2 Retiree Health Care Benefits.](#) [Supplemental Memo](#)

Recommendation: Approve an [ordinance](#) amending various sections of Chapters 3.38 and 3.49 of Title 3 of the San José Municipal Code to implement changes to retiree healthcare benefits in the Tier 2 pension plan for new employees in the Federated City Employees Retirement Plan. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)

* (Deferred from 8/13/13 – Item 3.5)

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

5.1 [Audit of Graffiti Abatement.](#) [Memo from Councilmembers Rocha and Campos](#)

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 20, 2013, accept the Audit of Graffiti Abatement. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 6/20/13 – Item D(7)]

* (Deferred from 8/13/13 – Item 5.3)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Actions Related to the Shuttle Bus Service at the Airport.](#)

Recommendation: Report on Request for Proposal for Shuttle Bus Service at the Norman Y. Mineta San José International Airport and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Veolia Transportation Services, Inc. (Lombard, IL) to provide Airport Shuttle Bus Services, for an initial four year term ending August 31, 2017, with maximum compensation not to exceed \$3,861,541 for the period September 1, 2013 through August 31, 2014;
- (b) Adjust the maximum compensation annually consistent with the terms of the agreement, subject to changes in the Consumer Price Index, not to exceed 3% annually and subject to the appropriation of funds;
- (c) Execute amendments and change orders to the agreement to add or delete routes and schedules due to service requirements at the Airport, subject to the appropriation of funds; and
- (d) Execute up to six one-year options to extend the agreement, subject to the appropriation of funds.

CEQA: San Jose International Airport Master Plan Update EIR (File No. PP95-110), Resolution No. 67380 and SEIR (File No. PP02-226), Resolution No. 71451. (Finance)

* **RECOMMEND DEFERRAL TO 8/27/13 PER ADMINISTRATION**

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Actions Related to the Issuance of Commercial Solid Waste and Recyclables Collection Franchises.](#)

Recommendation:

- (a) Conduct a public hearing on the applications of ECO Box Recycling Inc., Peninsula Debris Box Service LLC, and Ta Trucking for Commercial Solid Waste and Recyclables Collection Franchises for the nonexclusive collection and transport of residential clean-out material and construction and demolition debris;
- (b) Approve the ordinances granting the franchises to [ECO Box Recycling Inc.](#), [Peninsula Debris Box Service LLC](#), and [Ta Trucking](#); and
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements with [ECO Box Recycling Inc.](#), [Peninsula Debris Box Service LLC](#), and [Ta Trucking](#) for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from November 1, 2013, to June 30, 2014, with the option of up to three, one-year extensions.

CEQA: Exempt, File No. PP08-228. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [City Energy Project Overview and Funding Opportunity.](#)

Recommendation: As recommended by the Transportation and Environment Committee on August 12, 2013, provide direction to staff on potential grant application to City Energy Project for commercial building energy efficiency program. CEQA: Not a Project, File No. PP10-068(a), Grant Application.

* [Transportation and Environmental Committee referral 8/12/13 – Item D(3)]

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Actions Related to the Merged Area Redevelopment Project Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C.](#)

Recommendation: It is recommended that the Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”), adopt a [resolution](#):

- (a) Authorizing, subject to the approval of the Oversight Board of the Successor Agency (the “Oversight Board”) and review by the State Department of Finance (“DOF”), the execution and delivery, in substantially final form, of a [First Supplement to Fiscal Agent Agreement](#) between the Successor Agency and Wells Fargo Bank, National Association, as Fiscal Agent relating to the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C (the “2010C Bonds”);
- (b) **Authorizing, subject to the approval of the Oversight Board and review by DOF, the execution and delivery, in substantially final form, of an [Amended and Restated Continuing Covenant Agreement](#) with Wells Fargo Bank, National Association, as initial bondholder of the 2010C Bonds; and**
- (c) Authorizing the Executive Officer and Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute any and all documents necessary to complete this transaction.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts. (Finance)

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.

- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property located on the southeast corner of Mabury Road and Educational Park Drive from the A-Agricultural Zoning District to the A\(PD\) Planned Development Zoning District to allow up to 18 single-family detached residences on a 3.42 gross acre site \(Sabatino Murphy A Jr Trustee & Et Al, Owner\). CEQA: \[Mitigated Negative Declaration\]\(#\). Planning Commission recommends approval \(7-0-0\). PDC12-010 – District 4 \[ordinance\]\(#\)](#)
- (b) [Consideration of an ordinance rezoning the real property located on the southwest corner of Guadalupe Mines Road and Camden Avenue \(6055 Guadalupe Mines Road\) from the R-1-1 Single Family Zoning District to the A\(PD\) Planned Development Zoning District to allow up to six \(6\) single-family detached homes \(including one existing single-family detached residence\) on a 7.2 gross acre site \(Margolis Adele P Trustee, Owner\). CEQA: \[Mitigated Negative Declaration\]\(#\). Planning Commission recommends approval \(7-0-0\). PDC12-024 – District 10 \[ordinance\]\(#\)](#)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcoholic Beverages within a Neighborhood Grocery Store.](#)

Recommendation: Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessity request to allow the off-sale of alcoholic beverages within a neighborhood grocery store (Walmart) in an existing building on a 1.061 gross acre site within the CG Commercial General Zoning District, located on the south side of Stevens Creek Blvd between Kiely Blvd and Saratoga Ave (4080 Stevens Creek Boulevard) (Smythe European Inc, Owner). CEQA: Exempt. Planning Commission recommends approval (5-2-0).

CP13-029/ABC13-003 – District 1

11.3 **Actions Related to the Real Property Located at the Southwest Corner of West San Carlos and Sunol Streets Extending to Auzerai Avenue.**

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos and Sunol Street extending to Auzerai Avenue \(860 West San Carlos Street\) from the A\(PD\) Planned Development Zoning District to the A\(PD\) Planned Development Zoning District for a previously approved development to allow the following: \(1\) a change in the range of multi-family residential units from 680-800 to 600-800 units; \(2\) a change in the range of commercial square footage from 24,000-30,000 to 12,500-30,000 square feet; and \(3\) a reduction in building height on Block C from 140-150 feet to 50-80 feet, on an 8.0 gross acre site \(Santa Clara County Transit District \(VTA\), Owner\).](#) CEQA: EIR Resolution No. 09-064, File No. PDC08-061.

PDC13-004 – District 6 [ordinance](#)

- (b) [Consideration of an ordinance approving a Development Agreement with Green Republic, LLLP, Valley Transportation Authority \(VTA\), Dianne Ryan Trust, 861 Auzerai Investment, Green Valley Corporation, and Carolyn Pahle Trust, to develop up to 800 multi-family attached residential units and a minimum of 14,000 square feet of ground floor commercial space on three blocks with a minimum of two tower structures and one structure with a minimum height of 70 feet, consistent with the proposed Planned Development Zoning \(File No, PDC13-004\), and subject to the performance by Green Republic, LLLP for the dedication of parkland, contribution of funds for public transportation improvements serving the development, accelerated construction of street and utility infrastructure, submittal of building permits for the first high rise and commencement of construction and subsequent occupancy per deadlines of performance included in this agreement, on an 8.0 gross acre site, located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerai Avenue \(860 W. San Carlos Street\).](#) CEQA: EIR Resolution No. 09-064, File No. PDC08-061. [ordinance](#)

DA13-002 – District 6

*

RECOMMEND DEFERRAL TO 9/17/13 PER ADMINISTRATION

11. PUBLIC HEARINGS

11.4 [Actions Related to the Real Property Located on the North Side of The Alameda.](#)

* **Recommendation:**

- (a) Consideration of a resolution adopting a mitigated negative declaration and an [ordinance](#) rezoning the real property located on the north side of The Alameda approximately 310 feet west of Stockton Avenue from the CG – Commercial General and LI – Light Industrial Zoning Districts to the A(PD) Planned Development Zoning District to allow up to 70 residential units and a minimum of 22,651 square feet of commercial uses on a 1.04 gross acre site.
- (b) Consideration of adoption of a resolution approving a [Planned Development Permit](#) to allow the construction of up to 70 residential units on a minimum of 22,651 square feet of commercial uses.

CEQA: [Mitigated Negative Declaration](#) to be adopted. Planning Commission recommends approval (7-0-0).

[PDC13-007/PD13-010](#) – District 6

11.5 [Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Sale of the Full Range of Alcoholic Beverages.](#)

Recommendation: Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessity request to allow the sale of the full range of alcoholic beverages (Type 21) for off-site consumption at an existing full-service grocery store on a 4.75 gross acres site, within the CG Commercial General Zoning District, located on the west side of Senter Road, approximately 150 feet north of Lewis Road (2889 Senter Road) (Ngu Hanh Son, Inc. Owner). CEQA: Exempt. Planning Commission recommends approval (7-0-0).

[CP12-040/ABC12-012](#) – District 7

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.